

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAVIER ALCALA,

No. C 09-5837 SI

Plaintiff,

v.

**ORDER TO SHOW CAUSE
RE FAILURE TO SERVE SUMMONS
AND COMPLAINT AND FAILURE TO
APPEAR**

CALIFORNIA DEPARTMENT OF
TRANSPORTATION,

Defendant.

This matter came on for a regularly-scheduled case management conference on Friday, March 26, 2010. No one appeared. Review of the file suggests that the summons and complaint have not yet been served on defendant.

Accordingly, plaintiff is hereby **ORDERED to show cause, in writing filed with the Court no later than April 9, 2010** why he failed to appear and whether he intends to continue with this action. Plaintiff is cautioned that if he does not appear and/or does not comply with Court orders, his case may be prejudiced and/or dismissed for failure to prosecute.

Additionally, plaintiff, is reminded that Rule 4(m) of the Federal Rules of Civil Procedure provides that if service of the summons and complaint is not made on the defendant within 120 days of filing the complaint, the court "shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time" This action was filed on December 14, 2009; 120 days thereafter will be April 13, 2010. Plaintiff is therefore required, under the Rules, to serve defendant by April 13, 2010.

IT IS SO ORDERED.

Dated: March 26, 2010



SUSAN ILLSTON
United States District Judge